

Attorney Docket: ALLE-P3.1-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Kenneth A. Alley
TITLE : APPARATUS FOR SAMPLING AND TESTING A SPECIMEN
APPLN. NO. : 10/002,313
FILING DATE : October 24, 2001
EXAMINER : R. Raevs
ART UNIT : 2856
ATTORNEY DOCKET : ALLE-P3.1-US

TO: Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO FINAL OFFICE ACTION

Dear Sir:

This Reply is responsive to an Office Action dated December 15, 2003, for the above-captioned application. The Office Action set a shortened statutory period for response that expires on March 15, 2004.

Please amend the application as follows.

PATENT



PATENT, TRADEMARK,
COPYRIGHT AND
RELATED MATTERS

Dnage
Attorney Docket: ALLE-P3.1-US

AF/2800

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* * * * *

CERTIFICATE OF MAILING

I hereby certify that this correspondence, along with any paper or fee indicated as being enclosed, are being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

15 MARCH 2004

Date

Mark A. Garzia

* * * * *

TRANSMITTAL LETTER ACCOMPANYING
REPLY TO FINAL OFFICE ACTION

Dear Sir:

Transmitted herewith is a Reply to Final Office Action (16 pgs.) in the above-captioned application.

- [XX] Small entity status of this application pursuant to 37 C.F.R. §1.27 has been established.
- [] It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).
- [] Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 [fees: 37 C.F.R. §1.17(a) - (d)] for the total number of month(s) checked below:

<u>Extension Months(s)</u>	<u>Fee For Other Than Small Entity</u>	<u>Fee For Small Entity</u>
[] 1 Month	\$110.00	\$ 55.00
[] 2 Months	\$420.00	\$210.00
[] 3 Months	\$950.00	\$475.00
[] 4 Months	\$1,480.00	\$740.00
[] 5 Months	\$2,010.00	\$1,005.00

- [] A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.
- [] An Assignment (pgs.) is enclosed.
- [] Assignment Cover Sheet (1 pg.)
- [] An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.
- [] Form PTO-1449.
- [] References
- [XX] Other enclosed documents:
- [XX] A postage-prepaid, self-addressed postcard to acknowledge receipt of this communication is enclosed.
- [XX] Fee Transmittal for FY 2004 is enclosed (1 pg.)
- [XX] Drawing sheet showing Figure 4. (1 pg.).

[XX] No additional claim fee is required.

[] Payment is made by:

[] Please charge my Deposit Account No. _____ in the amount of \$ _____. Two copies of this transmittal are attached.

[] Check No. ____ in the amount of \$____ to cover the fee is enclosed.

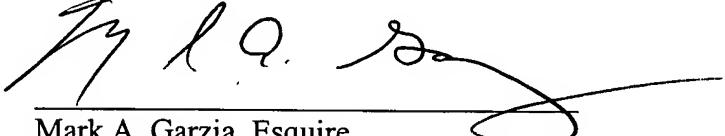
[] Enclosed is Credit Card Payment Form PTO-2038 in the amount of \$55.00 to cover the extension fee.

[] The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.

Respectfully submitted,

15 MARCH 2004

Date



Mark A. Garzia, Esquire
Registration No. 35,517

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

O'FEE TRANSMITTAL for FY 2004 <small>MAR 18 2004</small> <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/002,313
		Filing Date	October 24, 2001
		First Named Inventor	ALLEY, Kenneth R.
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Examiner Name	R. Raevs
TOTAL AMOUNT OF PAYMENT (\$ 0)		Art Unit	2856
		Attorney Docket No.	ALLE-P3.1-US

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																							
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ADDITIONAL FEES <u>Large Entity</u> <u>Small Entity</u> <table border="1"> <thead> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051 65 Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052 25 Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053 130 Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812 2,520 For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804 920* Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805 1,840* Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251 55 Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252 210 Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253 475 Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254 740 Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255 1,005 Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401 165 Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402 165 Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>290</td><td>2403 145 Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451 1,510 Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452 55 Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453 665 Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501 665 Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502 240 Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503 320 Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460 130 Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807 50 Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806 180 Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021 40 Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809 385 Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810 385 For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801 385 Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802 900 Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (3) (\$ 0)</td> </tr> <tr> <td colspan="4"> <small>**or number previously paid, if greater; 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Name (Print/Type)	Mark A. Garzia		Registration No. (Attorney/Agent)	35,517	Telephone 610.485.9400																																																																																																																																						
Signature			Date	March 15, 2004																																																																																																																																							

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.